



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 17 अगस्त, 1962/26 श्रावण, 1884

HIMACHAL PRADESH ADMINISTRATION

REVENUE DEPARTMENT

NOTIFICATION

Simla-4, the 5th April, 1962

No. R. 25-298/59.—In exercise of the powers delegated by the President under proviso to Article 309 of the Constitution, *vide* Government of India, Ministry of Home Affairs, notification No. F. 27/59-Him. (i), dated the 13th July, 1959 the Lieutenant Governor, Himachal Pradesh is pleased to make the following rules in reagr to the following matters, namely:—

- (i) the method of recruitment to the Class III Subordinate Service (Non-gazetted) of District Administration under the head “25-General Administration” in Himachal Pradesh,
- (ii) the qualifications necessary for appointment to such service and posts, and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

1. Short title and commencement.—(a) These rules may be called the Himachal Pradesh District Sub-ordinate Service (Class III) Rules, 1962.

(b) These rules shall come into force from the date of notification in the Official Gazette.

2. In these Rules, unless there is anything repugnant in the subject or context—

- (a) "recognised university" means any university incorporated by law in India or any other university which is declared by the Administration or the *Territorial Council*, Himachal Pradesh, to be a recognised university for the purpose of these Rules;
- (b) "the service" means the Himachal Pradesh District Class III Service;
- (c) "Direct appointment" means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Administration or of the Union;
- (d) "Departmental Promotion Committee" means a committee constituted by the Administration for making appointments to the service both at district level and in the office of the Financial Commissioner;
- (e) "Administration" means the Himachal Pradesh Administration;
- (f) "Scheduled Castes" means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951, as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956, (63 of 1956).
- (g) "Scheduled Tribes" means the Tribes or Tribal Communities or parts of or groups within Tribes or Tribal Communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of section 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956);

3. *Cadre of service.*—The service shall comprise the categories of posts shown in the Appendix. Each district has a separate cadre as determined by the Administration except for the posts of Superintendents/Head Vernacular Clerks/Head Treasury Clerks of which the cadre will be joint for the whole of Himachal Pradesh.

The posts comprised in the grade of Assistants are appropriated to the following posts:—

1. Head Clerk, General Branch.
2. Second Treasury Clerk.
3. Record Keeper, English Branch.
4. Record Keeper, Vernacular Branch.
5. District Nazir.
6. District Revenue Accountant (S.W.B.N.).
7. Any other post/s sanctioned by the Administration in this grade.

4. *Authority empowered to make appointments.*—Appointments to the posts in the service shall be made by the following authorities on recommendations of the Departmental Promotion Committee/Selection Board:—

- (a) to the posts of Superintendent, Head Vernacular Clerk and Head Treasury Clerk by the Financial Commissioner; and
- (b) to other posts by the Deputy Commissioner concerned.

5. *Nationality or domicile, age etc.*—(1) A candidate for appointment to any post in the service must be:—

- (a) a citizen of India; and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making applications for appointments to a post, or
- (ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his un-death and who has, after the death of his father, continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reason, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

- (iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under rule IV of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959:

Provided further that in case the Lieutenant Governor, in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (1) of this rule, in exercise of his discretion under rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) a citizen of India, or
- (b) a subject of Sikkim, and
- (c) a subject of Nepal, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d), he must be a person in whose favour a certificate of eligibility has been given by the Government of India;

Provided further that if he belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government; and

(2) Unless he is already in Government service must produce:—

- (i) (a) a certificate of good moral character from Principal Academic Officer of his University, College, School or the Head of his educational or technical institution last attended;

- (b) certificates of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his University, College, School, or other educational or technical institution;
 - (ii) a medical certificate, as required by rule 10 of Fundamental Rules and rules 3 and 4 of Supplementary Rules;
 - (iii) a declaration to the effect that he has not more than one living wife;
 - (a) no person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service;
 - (iv) in the case of a female, a declaration to the effect that she has not married a person having already a living wife;
 - (a) no woman whose marriage is void by reasons of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the service;
- Provided that the Himachal Pradesh Administration may, if satisfied that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iii) and (iv) above.

(3) Must not be less than 18 years and not more than 21 years of age on the date of his appointment:

Provided that this restriction may be waived by the Financial Commissioner for special reasons to be recorded in writing in pursuance of the instructions issued by the Government of India from time to time and the administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Vol. II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

Also provided further that the restrictions in this sub-rule shall be waived as a matter of course when it is proposed to appoint/transfer a Patwari/Kanungo as Clerk or in the case of a departmental candidate and a promotee. The appointing authority shall in all cases obtain the statement of the candidate in writing as to his age along with all the documentary evidence on the subject available to him.

6. *Educational and technical qualifications.*—No person shall be directly appointed to any of the undermentioned posts in the service unless he possesses the following qualifications:—

- (i) *Clerk.*—He has passed the Matriculation Examination or equivalent examination until replaced by the higher secondary and possesses a speed of 30 words per minute in type writing.
- (ii) *Stenographer/Steno-typist.*—He has passed the Matriculation Examination or equivalent examination until replaced by the higher secondary and such a test of short-hand and typing as may be prescribed by the Deputy Commissioner.

(iii) *Driver*.—He possesses a driving licence and is literate.

(iv) *Golki (Money tester)*.—He has passed such test as may be prescribed by the Deputy Commissioner.

Provided that with the sanction of the Financial Commissioner, for reasons to be recorded in writing, a person may be appointed to these posts who does not possess the educational qualifications prescribed by this rule.

7. (1) *Sources of recruitment to posts filled in by the Financial Commissioner*.—(i) Recruitment to the posts of Superintendent, Head Vernacular Clerk and Head Treasury Clerk shall be made by the following method:—

(a) To the post of Superintendent by selection from amongst—

(i) Head Vernacular Clerks;

(ii) Head Treasury Clerks; and

(iii) permanent Assistants/Stenographers;

in all offices of Deputy Commissioners.

(b) To the post of Head Vernacular Clerk by selection from amongst—

(i) permanent Assistants/Stenographers in all offices of Deputy Commissioners;

(ii) District Kanungos; and

(iii) Naib-Tehsildars.

(c) To the post of Head Treasury Clerk by selection from amongst—

(i) permanent Assistants; and

(ii) permanent Stenographers in all offices of Deputy Commissioners.

(2) *Sources of Recruitment to posts filled in by Deputy Commissioners*.—Recruitment to any other post in an office of the service shall be made by any one of the methods noted below in each case:—

(a) To the post of Stenographer—

(i) by promotion out of Steno-typists in the same district on the basis of seniority subject to the rejection of unfit;

(ii) by direct-recruitment on the basis of competitive examination; serving Steno-typists and other desirable Government servants will also be eligible for the competition with the direct recruits; and

(iii) by transfer of a Government servant in any other office subordinate to the Administration or the Union of India.

(b) To the post of Steno-typist—

(i) by direct recruitment on the basis of competitive examination; desirable Government servants will also be eligible for the competition with the direct recruits, and/or

(ii) by transfer of a Government servant in any other office subordinate to the Administration or the Union of India.

(c) To the post of Assistant other than the post of District Revenue Accountant (Sadar Wasil Baqi Nawis).

On the basis of seniority subject to the rejection of unfit from amongst Clerks of the service in the same office.

(d) To the post of District Revenue Accountant (Sadar Wasal Baqi Nawis) by selection from among—

- (i) Assistant District Revenue Accountants in the same district;
- (ii) Tehsil Revenue Accountants (W.B.Ns.) in the same district;
- (iii) Field and other Kanungos in the same district.
- (iv) other Clerks in the same office.

(e) To the post of Clerk (other than the post of Siah Nawis which is reserved for Patwaris)—

- (i) by transfer from Kanungos or promotion of Patwaris in the same district;

(Note.—The following posts should ordinarily be filled in by transfer of Kanungos and promotion of Patwaris:—

- 1. Assistant Sadar Wasal Baqi Nawis.
- 2. Tehsil Wasal Baqi Nawis.
- 3. Inspection Moharrir, Sadar Kanungos' office.
- 4. Reader to Tehsildar and Naib-Tehsildar.
- 5. Ahalmad to Revenue Assistant, M.I.C., S.D.O., Tehsildar and Naib-Tehsildar.
- 6. Revenue Moharrir to Deputy Commissioner.

(ii) by direct recruitment; and/or

(iii) by transfer of a Government servant in any other office subordinate to the Administration.

(f) To the post of Golki (Money tester)—

(i) by direct recruitment, and/or

(ii) by transfer of a Government servant from any other office subordinate to the Administration.

(g) To the post of Driver.—

By transfer of person already in the service of the Union or by direct recruitment:

Provided that the Departmental Promotion Committee shall frame the merit list for promotion to the posts mentioned in rule 7 (1) and (2), giving due representation to the members of all grades in the service as made eligible for promotion under it:

Provided further that 23 per cent and 5 per cent of the vacancies in the case of direct recruitment shall be filled in from the candidates belonging to Scheduled Castes and Scheduled Tribes, respectively, subject to the minimum qualifications being satisfied by them:

Also provided that the vacancies reserved meant for outside candidates shall be intimated to the Heads of Departments or Heads of Offices as the case may be and they shall be asked to recommend names of suitable candidates working in their offices; otherwise vacancies shall be notified to the Employment Exchanges in Himachal Pradesh or will be advertised:

Provided further that in order to avoid premature promotions being made no member in the service, except for special circumstances to be recorded, shall be promoted to either of the higher grade post before he has completed the minimum period of service in the lower grade post as shown under in each case:—

<i>Lower grade post</i>	<i>Higher grade post</i>	<i>Time-limit</i>
(a) Clerk/Steno-typist	to Assistant (includes the post of Sadar Wasal Baqi Nawis) Stenographer.	Six Years
(b) Assistant/Stenographer/Naib-Tehsildar/Sadar Kanungo.	to Head Vernacular Clerk	Four Years
(c) Assistant/Stenographer	to Head Treasury Clerk	Four Years
(d) Assistant/Stenographer	to Superintendent	Ten Years
(e) Head Vernacular Clerk/Head Treasury Clerk.	to Superintendent	Four Years
(f) Patwari	to Clerk	Three Years

8. *Selection posts.*—All the following posts in the service are selection posts and no member of the service shall be deemed to have had promotion with held by reasons of his not having been selected or transferred to fill such a post, except in the case of an appointment having been made in direct contravention to these Rules:—

1. Superintendent;
2. Head Vernacular Clerk;
3. Head Treasury Clerk; and
4. District Revenue Assistant.

9. *Probation.*—(i) No person shall be appointed substantively in any post whether the vacancy is permanent or temporary until he has undergone the two years period of probation or on trial during which his appointment shall be regarded as officiating. Broken periods of service in the post may be counted as part of the period of probation or on trial.

(ii) If the work or conduct of any member during his period of probation or on trial is, in the opinion of the appointing authority specified in rule 4 not satisfactory, the appointing authority concerned may dispense with his services if he has been recruited by direct appointment or may revert him to his former post if he has been recruited otherwise than by direct appointment.

(iii) On the conclusion of the period of probation or on trial of any person the appointing authority specified in rule 4 may, on recommendation of the Departmental Promotion Committee, if a vacancy exists, appoint him substantively with retrospective effect or, if his work or conduct has in the opinion of the Departmental Promotion Committee not been satisfactory the appointing authority may dispense with his services, if he has been recruited by direct appointment, or may revert him to his former post, if he has been recruited otherwise than by direct appointment, or may extend the period of probation, and on expiry of the extended period of probation, may pass such order as it could have passed on the expiry of the first period of probation.

(iv) Normally a probationer or a person on trial before he is discharged or reverted whether during or at the end of probation or trial for some specific fault or misconduct shall be given an opportunity to show cause in writing

against the discharge or reversion, after being apprised of the grounds on which it is proposed to discharge or revert him and his reply duly considered before orders are passed, but where an action is to be taken on the basis of an incident or a series of incidents which only form a specific offence or misconduct, even if some of them might come under the description of specific faults or misconduct, order of discharge or reversion may be passed straight away without giving reasons for such an action. This course shall not be deemed to be a dismissal or removal or reduction to a lower post or rank.

(v) Substantive appointments in the service which have been made provisionally in vacancies caused by the absence of Government servants whose lien has been suspended under F.R. 14, will, as vacancies occur among substantive members of the service or as suspended liens are finally withdrawn, cease to be provisional by strict seniority. On the return of an official whose lien has been suspended, the junior member of the service or grade whose substantive appointment is provisional, will revert.

10. Seniority of the members of the service.—The Superintendent shall be senior to all other members of the service in the same office and the seniority of other members in each cadre of the service shall in each grade of appointments specified in the Appendix be determined on the following principles:—

- (1) Subject to the provision of sub-para (2) below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these Rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing order applicable to their cases and shall enblock be senior to all others in that grade.

Explanation.—For the purpose of these Rules—

- (a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these Rules; and
- (b) persons appointed on probation or on trial to permanent post substantively vacant in a grade prior to the issue of these Rules;

shall be considered to be permanent officers of the grade.

- (2) Subject to the provisions of sub-para (3) below permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.
- (3) *Direct recruits.*—Notwithstanding the provisions of sub-para (2) above the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the Selection Board comprising the appointing authority and two other members to be nominated by the appointing authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

- (4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

- (ii) Where promotions to a grade are made from more than one grade the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter the Departmental Promotion Committee shall select persons for promotion from each list with due regard to the spirit embodied in the first proviso to rule 7 and arrange all the candidates selected from the different lists in a consolidated order of merit which will determine the seniority of persons on promotion to the higher grade.
- (5) *Transferees*.—The relative seniority of persons appointed by transfer to a particular grade in the service at a time shall be determined in accordance with the order of their selection for such transfer.
- (6) In the case of relative seniority of transferees, promotees and direct recruits appointed to a particular grade of the service at a time, transferees will be senior to promotees and promotees senior to direct recruits.

11. Pay of members of service.—A member of the service shall from the date of joining his post, be entitled to the scale of pay shown in the Appendix against such post. Nothing in these Rules shall affect the inherent right of the Administration to increase or reduce the scale of pay prescribed in the Appendix either permanently or temporarily for future entrants to the service.

12. Posts involving assumption of duties or responsibilities of greater importance.—For the purpose of Fundamental Rule 30 the appointment to the following posts of a member of the lower grade involves assumption of duties and responsibilities of greater importance:—

1. Assistant.
2. Stenographer.
3. Head Treasury Clerk.
4. Head Vernacular Clerk.
5. Superintendent.

13. Discipline and penalties and appeals.—In matters relating to discipline, penalties and appeals members of the service shall be governed by the Central Civil Services (Classification, Control and Appeal) Rules, 1957, and the Central Civil Services Conduct Rules, 1955, as amended from time to time.

14. Liability to transfer.—Any member of the service may be transferred by the Deputy Commissioner of the respective district to any other section or station within the district; and by the Financial Commissioner to any other district, provided that except as part of sentence of reduction he shall not be transferred to a post carrying less pay.

15. Leave and Pension.—For leave, pension and other (cognate) matters not specifically mentioned in these Rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7-A, Volume

II of the Post and Telegraphs Compilation of the Fundamental and Supplementary Rules and the Pension Rules promulgated by the Government of India in Finance Ministry's Office Memorandum No. F. 3 (I)-Estt. (Spl)/47, dated the 17th April, 1950, as amended from time to time unless one has already exercised option otherwise.

16. Other conditions.—In respect of conditions of service other than those covered by these Rules members of the service shall be governed by the Government of India, Ministry of Home Affairs, notification No. 27/29-Him-(ii), dated the 13th July, 1959.

17. Repeal and savings.—The provisions of the District Office Manual, Punjab (made applicable to Himachal Pradesh *vide* Memorandum No. G. 101-14/49, dated the 29th December, 1949 of the Deputy Chief Commissioner, Himachal Pradesh) in so far as they concern matters covered by these Rules and other administrative instructions issued by the Administration on the subject, are hereby repealed, but, nothing shall affect the previous operation of those provisions/instructions or anything done or acted upon or any action taken in good faith or any right acquired after the commencement of these Rules.

APPENDIX

The following Posts are in existence in the service in the scales of pay shown against each.—

<i>Particulars of posts.</i>	<i>Scale of Pay</i>
1. Superintendent.	Rs. 350-20-450.
2. Head Vernacular Clerk.	Rs. 200-10-300,
3. Head Treasury Clerk.	Rs. 200-10-300.
4. Assistants.	Rs. 116-8-180/10-250.
5. Stenographers.	Rs. 116-8-180/10-250.
6. Steno typists.	Rs. 60-4-80/5-120/5-175. plus Rs. 15/- p.m. as Spl. pay.
7. Clerks	Rs. 60-4-80/5-120/-5-175.
8. Golki (Money tester).	Rs. 35-2-65.

O. N. MISRA,
Chief Secretary.